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T002-2019-000007

HB Doc No. 7877899

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

STATE OF ARIZONA, *ex rel.* MARK
BRNOVICH,

Plaintiff,

v.

FABIAN CASTRO-LOPEZ, and
JANE DOE CASTRO-LOPEZ,
Individually and as part of or on behalf of any
Marital, Business, Corporate, Trust, or other
Community,

And

FRANCISCO OSORIO-NAVA, and
JANE DOE OSORIO-NAVA,
Individually and as part of or on behalf of any
Marital, Business, Corporate, Trust, or other
Community,

And

TIMOTHY HENRY, and
JANE DOE HENRY,
Individually and as part of or on behalf of any
Marital, Business, Corporate, Trust, or other
Community,

No. C-20191151

STATE'S COMPLAINT
IN PERSONAM AND IN REM

(Assigned to Hon. Richard E. Gordon,
Division 8)

1
2 And

3 TIMOTHY EVICCI, and
4 JANE DOE EVICCI,
5 Individually and as part of or on behalf of any
6 Marital, Business, Corporate, Trust, or other
7 Community,

8 And

9 JAMIE RENE LEZA, and
10 JANE DOE LEZA,
11 Individually and as part of or on behalf of any
12 Marital, Business, Corporate, Trust, or other
13 Community,

14 And

15 JESUS LORETO, and
16 JANE DOE LORETO,
17 Individually and as part of or on behalf of any
18 Marital, Business, Corporate, Trust, or other
19 Community,

20 And

21 JENNIFER PHILLIPS, and
22 JOHN DOE PHILLIPS,
23 Individually and as part of or on behalf of any
24 Marital, Business, Corporate, Trust, or other
25 Community,

26 And

27 JOSE PRO, and
28 JANE DOE PRO,
Individually and as part of or on behalf of any
Marital, Business, Corporate, Trust, or other
Community,

And

1 LEAH RAMSELL, and
2 JOHN DOE RAMSELL,
3 Individually and as part of or on behalf of any
4 Marital, Business, Corporate, Trust, or other
Community,

5 And

6 KAREN SCHIMMEL, and
7 JOHN DOE SCHIMMEL,
8 Individually and as part of or on behalf of any
9 Marital, Business, Corporate, Trust, or other
Community,

10 And

11 RAYMOND THACKER, and
12 JANE DOE THACKER,
13 Individually and as part of or on behalf of any
14 Marital, Business, Corporate, Trust, or other
Community,

15 And

16 SHALMARIE TULK, and
17 JOHN DOE TULK,
18 Individually and as part of or on behalf of any
19 Marital, Business, Corporate, Trust, or other
Community,

20 And

21 JESSE JONAS LEE VALENZUELA, and
22 JANE DOE VALENZUELA,
23 Individually and as part of or on behalf of any
24 Marital, Business, Corporate, Trust, or other
Community,

25 Defendants *In Personam*,

26 And
27
28

1 THE PROPERTY LISTED AND
2 DESCRIBED IN APPENDIX ONE HERETO,

3 Defendants *In Rem*
4 and *In Personam*.

5 CCSO/DEA Case No. 19-00799

6
7 The State of Arizona, the Plaintiff, alleges:

8
9 **JURISDICTION AND VENUE**

10 1. This combined *in personam* and *in rem* action is brought by the State of
11 Arizona pursuant to the Arizona Racketeering Act, A.R.S. §§ 13-2301 *et seq.* (“AZRAC”),
12 particularly § 13-2314 [Racketeering; Civil Remedies by this State]; the Arizona Drug
13 Offenses chapter, A.R.S. §§ 13-3401 *et seq.* [“Drug Offenses”], particularly A.R.S. § 13-
14 3413; and the Arizona Forfeiture Reform Act, A.R.S. §§ 13-4301, *et seq.* (“AFRA”),
15 particularly §§ 13-4310 and 13-4311 [Judicial *in rem* Forfeiture Proceedings], 13-4312
16 [Judicial *in personam* Forfeiture Proceedings] and 13-4313 [Supplemental Remedies].

17 2. Under AZRAC, Drug Offenses, and AFRA, the Attorney General is
18 empowered to bring a civil action on behalf of the State of Arizona to enforce their
19 provisions, and to prevent, restrain, or remedy racketeering, as defined by A.R.S. § 13-
20 2301(D)(4), or violations of A.R.S. § 13-2312, by obtaining civil judgments, including
21 forfeitures, in connection with injuries to the State as defined by A.R.S. § 13-2318.

22 3. The Superior Court in and for this county has jurisdiction to enter appropriate
23 orders both prior to and following a determination of liability pursuant to A.R.S. § 13-2314,
24 including forfeiture orders pursuant to A.R.S. §§ 13-2314, 13-3413, 13-4302, 13-4310, 13-
25 4311, 13-4312 and 13-4313. The property for which forfeiture is sought was within this
26 State at the time of the filing of this action and has remained there to the present date; and,
27 the Superior Court has *in personam* jurisdiction over the named Defendants *in personam*, as
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1 they reside or are domiciled in this County; and/or, the Superior Court has *in personam*
2 jurisdiction over the named *in personam* property as it was seized for forfeiture in this
3 County and owners and persons with an interest in the property reside in or are domiciled in
4 this County; and/or, the conduct alleged against the Defendants and others acting in concert
5 with them subjecting them and their property to *in personam* liability and subjecting their
6 property and that of other persons to *in personam* and *in rem* forfeiture liability occurred, in
7 whole or in part, in this County; and the Superior Court has similarly-described *in personam*
8 and *in rem* jurisdiction over any other owners or interest holders in the property subject to
9 forfeiture in this action. Jurisdiction is proper pursuant to A.R.S. § 13-4302.

10 4. Venue is proper pursuant to A.R.S. §§ 12-401(17) and 13-4303, because this
11 is the County in which conduct giving rise to liability and forfeiture occurred, in whole or in
12 part; and/or, because this is the County in which the property subject to forfeiture was seized
13 for forfeiture; and/or, because the owners or interest holders of the seized property could be
14 civilly or criminally complained against in this County for the conduct alleged to give rise to
15 liability and forfeiture.

16 17 **PARTIES**

18 5. The party bringing this action is the State of Arizona *ex rel.* MARK
19 BRNOVICH, the Arizona Attorney General (“STATE” or “PLAINTIFF”), on behalf of the
20 people of the State of Arizona as authorized constitutionally and statutorily.

21 6. The *in personam* Defendants named herein and listed in Appendix One are
22 residents of the State of Arizona and engaged in the conduct giving rise to this Complaint in
23 whole or in part within the State of Arizona, and are liable for the conduct.

24 7. At all times material hereto, with reference to the acts complained of herein, the
25 known and named Defendants herein and listed in Appendix One are named to determine their
26 liability, the liability of their marital communities, the liability of their business communities or
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1 interests, and the liability of their property or interests in property, such liability being joint and
2 several, for the conduct alleged herein. The known and John/Jane Doe spouses named herein
3 and listed in Appendix One are named to determine their liability, the liability of their
4 marital communities, the liability of their business communities or interests, and the liability
5 of their property or interests in property, such liability being joint and several, for the
6 conduct alleged herein. Any married Defendants were acting on behalf of or in a manner
7 that benefited their marital communities.

8 8. Whenever in this Complaint reference is made to any act of a Defendant, such
9 allegations shall be deemed to mean that each Defendant or their agents, associates, co-
10 conspirators, or accomplices, acting individually, jointly and severally, or in concert, did
11 such act or is responsible or is liable for it.

12 9. The Defendants *in rem* are the property and property interests against which *in*
13 *rem* forfeitures are asserted in this action and are listed in Appendix One, consisting of
14 property and property interests seized for forfeiture on or about January 9, 2019, and
15 thereafter, pursuant to Seizure Warrant 19SW0030 issued by a Superior Court Judge on
16 January 7, 2019, which property and property interests are forfeited to the State of Arizona
17 pursuant to AZRAC, and/or the Drug Offenses chapter, and/or AFRA.

18 10. Reference herein to a person as a claimant or acknowledgement that a claim
19 has been filed or reference to a person as a party does not imply that the State recognizes a
20 claim or party status as timely, legally sufficient or otherwise valid. The State reserves the
21 right to move to strike or dismiss a deficient claim or putative party and/or to file an
22 application for order of forfeiture of any unclaimed interest in property or any interest in
23 property asserted in a deficient claim. Similarly, the State reserves the right to proceed to
24 file an application for order of forfeiture *in rem* of any interest in property and/or an
25 application for a judgment *in personam* upon the failure of any person or entity to file a
26 proper and timely Claim and/or Answer in response to the State's Notice of Pending
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1 Forfeiture and/or this Complaint when a Claim and/or Answer is required. The State also
2 expressly reserves the right to seek to forfeit the property identified in Appendix One and to
3 seek a judgment against the Defendants and the property named herein as allowed by the
4 law applicable to this action or on any other grounds. As of this date, the State is aware that
5 certain judicial claims have been filed in this action to Items of property in Appendix One,
6 by:

7 Timothy Henry
8 Karen Schimmel
9 Jesus Loreto
10 Brenda Loreto
11 Jesse Valenzuela
12 Maria Dayton
13 Shalmarie Tulk
14 Krista Zalewski
15 Arizona Central Credit Union
16 Hughes Federal Credit Union
17 Pima Federal Credit Union
18 Santander Consumer USA Inc., dba Chrysler Capital

19 The Court has issued several Minute Entries reflecting Claim filings.

20 **NATURE OF ACTION AND CONDUCT ALLEGED**

21 11. This is an action to prevent, restrain and remedy the racketeering acts of
22 Defendants and persons acting in concert with them and the acts of their participation in an
23 enterprise through racketeering, and to forfeit property and interests in property pursuant to
24 statutes authorizing *in personam* and *in rem* forfeiture and forfeiture of substitute assets.
25 This action consists of an *in personam* racketeering action under AZRAC (A.R.S. §§ 13-
26 2301 *et seq.*), particularly A.R.S. § 13-2314, seeking remedies, pre- and post-liability
27 orders, a monetary judgment, including treble damages, and supplemental remedies against
28 named persons, and *in personam* civil forfeiture of property under AZRAC and A.R.S. § 13-
4313; an *in personam* action seeking remedies and supplemental remedies against named

1 persons, and *in personam* civil forfeiture of property under AZRAC, the Drug Offenses
2 chapter of A.R.S. Title 13, and AFRA (A.R.S. §§ 13-4301 *et seq.*), particularly § 13-4312
3 and § 13-4313; and an *in rem* forfeiture action seeking forfeiture of specified property and
4 supplemental remedies based on AZRAC and Drug Offenses conduct under A.R.S. §§ 13-
5 2314(G), 13-3413, and the procedures in A.R.S. § 13-4301 *et seq.*, particularly § 13-4311
6 and § 13-4313.

7 12. The conduct giving rise to this action includes the following violations under
8 the listed statutes:

9 A. Possession, Possession for Sale, Transfer, Transportation for Sale, Sale,
10 Importation to Arizona, Offer to Transport for Sale or Import to Arizona Or
11 Sell or Transfer of:

- 12 1. Marijuana, A.R.S. § 13-3405;
13 2. Dangerous Drugs, A.R.S. § 13-3407;
14 3. Narcotic Drugs, A.R.S. § 13-3408;

15 B. A.R.S. § 13-2308, Participating in a Criminal Syndicate;

16 C. A.R.S. § 13-2301(D)(4), Racketeering;

17 D. A.R.S. §13 2312, Illegal Conducting and/or Control of an Enterprise;

18 E. A.R.S. §13-2317, Money Laundering;

19 F. A.R.S. §13-3415, Possession of Drug Paraphernalia;

20 G. A.R.S. § 13-3417, Use of Electronic or Wire Communication in Drug Transaction;

21 H. A.R.S. § 13-3102, Misconduct Involving Weapons;

22 I. A.R.S. §13-1001, Attempt of the above;

23 J. A.R.S. §13-1002 Solicitation to commit the above;

24 K. A.R.S. §13-1003, Conspiracy to commit the above; and,

25 L. A.R.S. §13-1004, Facilitation of the above.
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1 13. The conduct alleged is based upon a law enforcement investigation that
2 employed surveillance, investigative stops and arrests, drug interdictions, acquisition of
3 public records, acquisition of financial institution and employments records, human sources
4 of information, undercover operations, electronic communication toll and register analysis,
5 GPS trackers, wire intercept orders, electronic and wire communication interceptions, arrest
6 and search and seizure warrants, and interviews including post-arrest statements. In general,
7 the investigation revealed that from about November 2017 through January 2019 the named
8 Defendants and others associated and acting in concert with them engaged in an illegal
9 enterprise and criminal syndicate in Pima County, Cochise County and Santa Cruz County
10 involving drug trafficking, money laundering, and other racketeering conduct. The amounts
11 of drugs seized and connected to the illegal conduct include 2,900 Fentanyl pills
12 (approximately .42 pounds), 29 pounds of Methamphetamine, 14 pounds of Heroin,
13 approximately 600 Oxycodone pills, 15 pounds of Marijuana, approximately 244 THC vape
14 cartridges, and 2 pounds of Cocaine. The value of the drugs seized and connected to the
15 illegal conduct is not less than \$500,000.00. Seized ledgers and other evidence of drugs
16 trafficked indicate another \$225,000.00 in drug sales. The amount of seized cash and
17 account proceeds from the illegal conduct exceeds \$250,000.00. Additional amounts of
18 money were moved through financial accounts. The investigation also revealed that some
19 of the persons were involved in selling, purchasing and exchanging firearms and using
20 firearms as payment, and exchanging other property as payment for drugs. The Defendants
21 and their associates used cash, financial institution accounts, vehicles, real properties and
22 personal property in furtherance of the illegal enterprise and criminal syndicate and
23 racketeering conduct and acquired proceeds and gained and acquired and maintained
24 property through the proceeds of the criminal conduct. Some of the named Defendants have
25 criminal histories, including some with involvement in illegal drug crimes, including
26 commercial drug crimes, going back prior to 2018, with some going back a significant time.
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1 The scope of the criminal conduct and injury to the State is not less than \$800,000.00.
2 \$800,000.00 represents an objectively calculated benefit, gross receipts, or actual or
3 attempted financial gain from all of the illegal enterprise and racketeering conduct described
4 and the injury to the State attributable to the conduct. Based on the conduct and the
5 resulting injury to the State the State is entitled to the remedies provided for in the AZRAC,
6 Drug Offenses, and AFRA chapters of A.R.S. Title 13, including pre- and post-liability
7 orders, a monetary judgment, and forfeiture of the property in Appendix One *in personam*,
8 *in rem*, and as substitute assets.

9 14. By way of example, but without limitation, Defendants engaged in the
10 following specific conduct in violation of the AZRAC, Drug Offenses, and AFRA chapters
11 of A.R.S. Title 13.

12 15. Fabian CASTRO-LOPEZ is a resident of Mexico. He has no known criminal
13 history and no reported income in Arizona.

14 16. Francisco OSORIO-NAVA is a resident of Mexico. He has no known
15 criminal history and no reported income in Arizona.

16 17. Timothy HENRY holds two residences in Cochise County, Arizona. Both
17 residences were used for criminal activity. He has identifiable legitimate income from 2016
18 to early 2018 and only minimal reported income since then. He has an extensive criminal
19 history and has been arrested at least (7) times on drug charges since 1993. In 2002 he was
20 arrested for Transportation of Methamphetamine for Sale, was convicted, and was sentenced
21 to (7) years in prison.

22 18. Timothy EVICCI resides in St. David, Arizona. He shows no reported income
23 in the last three years. He has a criminal history that includes drug charges.

24 19. Jamie LEZA resides in Cochise County, Arizona. He shows very minimal
25 reported income. He has a criminal history including drug charges.

26 20. Jesus LORETO JR. resides in Cochise County, Arizona. He has no reported
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1 income over the last three years. He has a criminal history showing arrests for Importation
2 of Controlled Substance and Manufacturing, Distribution or Disbursing of Controlled
3 Substance.

4 21. Jennifer PHILLIPS resides in Cochise County, Arizona. Her reported income
5 reflects approximately \$27,000.00 for 2018.

6 22. Jose PRO resides in Cochise County, Arizona. His reported annual income
7 shows approximately \$15,000.00. He has been arrested for Alien Smuggling.

8 23. Leah Ann RAMSELL resides in Marana, Arizona. She has no reported
9 income over the last three years.

10 24. Karen SCHIMMEL has several properties and resides in Sahuarita, Arizona.
11 She shows no reported income over the last three years. She has a criminal history
12 including drug charges.

13 25. Raymond THACKER resides in Tucson, Arizona. He has no employment
14 listed in Arizona since the first quarter of 2016, which was for only about \$2,500.00. He
15 has prior arrests for Narcotics Possession, Narcotics for Sale, Narcotics Smuggling, Forgery,
16 Trafficking in Stolen Property, Theft, Use of Weapon in Felony Drug Offense, Dangerous
17 Drug for Sale, Possession of Stolen Mail, Mail Fraud, Theft of Means of Transportation, and
18 a Dangerous Drug violation.

19 26. Shalmarie TULK resides in Benson, Arizona. She shows reported income
20 since 2015. She has been arrested for charges of Possession of Marijuana, Possession of
21 Drug Paraphernalia, Drug Paraphernalia Possession, Manufacturing, DUI, Criminal
22 Trespass, Unlawful Flight/Transport, Drug Paraphernalia, Assault, Driving on Suspended
23 License, Possession of Drug Paraphernalia, Driving Suspended, Fictitious Plates, False
24 Reporting, and Drug Paraphernalia.

25 27. Jesse Jonas Lee VALENZUELA resides in Pima County, Arizona. He has
26 reported income of approximately \$23,000.00 in 2018. He has a criminal history.
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1 28. A co-conspirator named Daniel HUNTER resided on one of the seized
2 properties titled to Karen Schimmel. He had no recent reported income. He died in
3 November 2018. He had a criminal history that included drug charges.

4 29. In January 2018 law enforcement received information that Timothy Henry
5 distributes methamphetamine in pound quantities out of his residence on Central Avenue in
6 Sierra Vista, Cochise County, Arizona, and in other locations. Henry and the other co-
7 conspirators used code words to refer to the various drugs and payments and used
8 nicknames for the people they communicated with and referred to. Law enforcement was
9 able to have an undercover officer contact Timothy Henry.

10 30. In March 2018 Timothy Henry negotiated on several dates with the
11 undercover officer to sell the undercover officer one pound of methamphetamine for
12 \$3,000.00. The transaction was performed on March 30, 2018. They engaged in additional
13 negotiations for additional pounds sales of methamphetamine and for Henry to sell heroin to
14 the undercover officer. Through the transaction law enforcement learned that Daniel Hunter
15 was a supplier to Timothy Henry.

16 31. Law enforcement then continued its investigation of Timothy Henry and
17 others through traditional methods and then through a wire intercept order obtained in July
18 2018.

19 32. On July 12, 2018, Timothy Henry sold two pounds of methamphetamine and
20 one pound of heroin to the undercover officer for \$7,800.00.

21 33. Throughout 2018 law enforcement intercepted numerous communications
22 between Timothy Henry and other individuals in which negotiations for the acquisition, sale
23 and transfer of illegal drugs, primarily methamphetamine but also fentanyl and heroin and
24 cocaine, occurred. The intercepted communications also included solicitations for and
25 transfers of proceeds and some for firearms.
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1 34. Persons engaging in the communications included Timothy Henry, Francisco
2 Osorio-Nava, Jesse Lee Valenzuela, Daniel Hunter (now deceased), Raymond Thacker,
3 Charity Scudella, Catherine Hammes, Karen Schimmel, Jesus Loreto, Jose Pro, Timothy
4 Evicci, Jamie Leza, Jennifer Phillips, Christopher Sulger, Leah Ramsell, Shalmarie Tulk,
5 James Lewandowski, Rebekah Fernandez, and David Bailey (now deceased). Most of these
6 persons are named Defendants in this action and in criminal prosecutions occurring in Pima
7 County Superior Court and Cochise County Superior Court. The communications are
8 summarized in the Affidavit for Seizure Warrant 19SW0030, which is incorporated herein
9 by reference. Each was involved in communications that contained negotiations for the
10 acquisition, sale and transfer of illegal drugs, primarily methamphetamine but also fentanyl
11 and heroin and cocaine.

12 35. Timothy Henry received his supply of drugs from suppliers in Pima and
13 Cochise Counties. One supplier was Daniel Hunter.

14 36. Jamie Leza was a distributor of methamphetamine and was supplied by
15 Timothy Henry. Henry sometimes fronted drugs to Leza and received payment after Leza
16 sold his supply. Henry and Leza communicated electronically to set up their transactions
17 for drugs and for payments. Officers intercepted at least 23 communications in July and
18 August 2018 between the two arranging drug supply by Henry and payments by Leza.

19 37. Jesus Loreto was a methamphetamine distributor. He efforted to be a supplier
20 for Timothy Henry. He conducted transactions with Henry and exchanged firearms,
21 vehicles and cash for transactions.

22 38. During July and August 2018 Henry and Loreto exchanged numerous
23 intercepted communications about a deal they and Timothy Evicci were attempting. The
24 communications included discussion of transferring and exchanging firearms. Loreto was
25 offering to sell multiple pounds of methamphetamine and multiple pounds of marijuana to
26 Henry and Henry was accepting. Surveillance observed Loreto traveling to Henry's
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1 residence and the two men meeting, then exchanging messages about whether the drugs
2 were satisfactory. After the later arrest of Loreto and a search of his residence officers
3 found a small amount of methamphetamine, 3 methamphetamine pipes and 6 firearms.
4 Henry and Loreto are prohibited possessors.

5 39. Timothy Evicci was an acquaintance of Timothy Henry and obtained
6 methamphetamine from Henry. Evicci also entered a relationship with a doctor in Cochise
7 County in which the doctor provided Evicci with Oxycodone pills every month, which
8 Evicci then sold, after which they shared the proceeds. Rebekah Fernandez is the wife of
9 Evicci and engaged in hiding methamphetamine from law enforcement on his behalf and in
10 trying to recover methamphetamine they had hidden or disposed of in order to avoid law
11 enforcement discovery due to Evicci being stopped and arrested on August 12, 2018, and
12 having to throw a package of drugs out his car window. Wire intercepts of communications
13 between Evicci, Fernandez, and Henry establish this. Evicci also negotiated with Henry to
14 sell Oxycodone pills to Henry that Henry had negotiated to sell to the undercover officer.

15 40. Jennifer Phillips was a distributor of methamphetamine. She engaged in
16 electronic communications with Timothy Henry in order to schedule times to come to his
17 house to obtain methamphetamine which she then sold. Surveillance saw her in July and
18 August 2018 travel to Henry's residence in a Dodge sedan, Item 64 in Appendix One, on
19 multiple occasions to obtain methamphetamine. She also engaged in communications with
20 Timothy Evicci to obtain methamphetamine from him.

21 41. Shalmarie Tulk was a distributor of methamphetamine. She engaged in
22 electronic communications with Timothy Henry in order to obtain methamphetamine from
23 him, which she then sold. Henry sometimes fronted methamphetamine to her and she paid
24 him after selling the drugs. Officers obtained intercepted communications between Timothy
25 Henry and Tulk in July 2018 in which Tulk obtained methamphetamine from Henry at his
26 residence on multiple occasions. Surveillance saw her travel to Henry's residence in her
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1 BMW, Item 54 in Appendix One, to pick up the methamphetamine.

2 42. Christopher Sulger shared supplier Daniel Hunter with Timothy Henry.
3 Sulger sold methamphetamine to undercover officers three times between June and August
4 2018, the first being 3 ounces for \$900.00, the second being 4 ounces for \$1,000.00 and the
5 third being 4 ounces for \$1,000.00. Sulger was surveilled obtaining the methamphetamine
6 from Daniel Hunter. Intercepted communications showed Sulger and Hunter
7 communicating before and after the deals. Leah Ramsell is Sulger's girlfriend. She
8 accompanied Sulger on one of the sales to the undercover officer and allowed Sulger to use
9 her car, a white Ford Explorer, for the deal. She was present for and witnessed the
10 transaction.

11 43. On July 10, 2018, Officers intercepted calls of Timothy Henry in which the
12 caller asked for drugs from Henry. A short time later a truck arrived at Henry's residence
13 with two occupants. One was Jose Pro, the other was Charity Scudella, Henry's ex-
14 girlfriend with whom he has a child. They both dropped off a satchel and met with Henry,
15 then left. Officers stopped the truck. Pro admitted Scudella was concealing the bag of
16 methamphetamine. Officers found a 4 gram baggie of methamphetamine on Scudella after
17 she was transported to the jail. Prior to the transaction intercepted communications show
18 Scudella and Henry arranging the exchange of a welder for methamphetamine. After the
19 stop Henry received text messages from Jamie Leza warning him of the car stop and
20 advising him to be careful. Other calls came in warning Henry or asking if he was shut
21 down. A couple weeks later, after Scudella was released from jail, she communicated with
22 Henry about the stop of the truck, whether Henry's house was being watched by police, and
23 that Pro had told her to hide the methamphetamine in her pants while they were being pulled
24 over.
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26 44. On August 16, 2018, Officers intercepted a call between Daniel Hunter and
27 Timothy Henry in which Henry asked for methamphetamine from Hunter.
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1 45. On August 28, 2018, Officers intercepted a call between Daniel Hunter and
2 Raymond Thacker in which Hunter asked for cash from Thacker to facilitate a drug deal.
3 Officers then saw Hunter arrive at Thacker's residence, stay for 20 minutes then leave.
4 Thacker arrived home in his 1998 Subaru and Hunter arrived in a Chrysler 300. After that
5 officers interdicted a call from Hunter to a source of supply indicating he had the funds to
6 purchase drugs. The next day officers saw Hunter travel to Karen Schimmel's residence. He
7 then returned to his residence. He was later met there by two men in two cars who retrieved
8 a satchel and then left Hunter's residence. Hunter and Thacker had additional drug-based
9 calls and meetings in September 2018.

10 46. Hunter also had drug-based calls and meetings with James Lewandowski in
11 September and October 2018. They discussed accumulating proceeds to pay a shared debt
12 to their Mexico contact. A post-arrest search warrant at Lewandowski's residence on
13 January 9, 2019 revealed 9 firearms. Lewandowski is a prohibited possessor.

14 47. On September 23, 2018, intercepted calls revealed Karen Schimmel
15 attempting to obtain an ounce of heroin from Lewandowski through Daniel Hunter. Hunter
16 contacted Schimmel to confirm he obtained the drugs and for Schimmel to pick them up at
17 his residence. A post-arrest search of Karen Schimmel's residence revealed several drug
18 ledgers and multiple vehicles, including multiple vehicles reported as stolen.

19 48. On October 28, 2018, intercepted calls between Osorio-Nava and Jesse Lee
20 Valenzuela included negotiations for the purchase of four pounds of methamphetamine at
21 \$2,200.00 per pound. On November 4, 2018, Valenzuela messaged Osorio-Nava for
22 another transaction. Officers identified a 2015 Honda Civic, Item 71 in Appendix One, and
23 a 2015 Ford Truck, Item 72 in Appendix One, being used by Jesse Lee Valenzuela. Osorio-
24 Nava admitted selling Valenzuela four pounds of methamphetamine in October 2018. At
25 the execution of a search warrant at Valenzuela's residence on January 9, 2019, Valenzuela
26 was caught covered in methamphetamine as he attempted to flush multiple pounds of heroin
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1 and methamphetamine. Large commercial amounts of drugs packaged for sale were found
2 in the residence along with packaging material. Valenzuela had three loaded guns and a
3 rifle positioned around the inside of his house and pointed at the doors. He is a prohibited
4 possessor. Officers also found bulk cash in piles throughout the house, including covering a
5 bed in one room. The bulk cash totaled \$202,939.00.

6 49. On November 7, 2018, law enforcement officers interdicted 1.25 pounds of
7 methamphetamine from Fabian Castro-Lopez and Francisco Ivan Osorio-Nava in a traffic
8 stop of a Honda Civic (temporary plate CHK2650). Information obtained pursuant to that
9 stop investigation indicated that the men used a number of vehicles and several apartments,
10 including an apartment at the Lantana Apartments at 1111 W. St. Mary's Road in Tucson,
11 Arizona, an apartment at the Ridgepointe Apartments in Tucson, and an apartment in the La
12 Posada Apartments on S. Headley Road in Tucson, for operations and transportations and
13 locations for their drug trafficking and drug and proceeds storage. A search warrant was
14 served at the St. Mary's apartment and \$8,847.00 cash was found along with drug ledgers
15 indicating hundreds of sales. Officers also found 5 pounds of methamphetamine, .42
16 pounds of fentanyl pills, 1.14 pounds of cocaine, and 3 scales.

17 50. Osorio-Nava admitted his involvement in drug trafficking and that he was the
18 U.S. coordinator for the Sinaloa, Mexico, drug group for which he worked. He stated that
19 Lopez was a courier for the group. Osorio-Nava sells the methamphetamine for up to
20 \$2,250 per pound. He identified customers, including Amanda Serna, Beau Gentry, David
21 Bailey, Eric Lopez, and Jesse Jonas Lee Valenzuela. He was on his way to deliver the
22 methamphetamine to Serna, to whom he had sold before. Officers intercepted
23 communications between them about the transaction in the week preceding the car stop, in
24 which Serna indicated she would be re-selling a pound of the methamphetamine.

25 51. Osorio-Nava confirmed this in his post-arrest statement.
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1 52. Calls were intercepted in October 2018 between Osorio-Nava and Beau
2 Gentry in which Osorio-Nava sold pills (between 20 and 70 at a time) to Gentry for \$10 per
3 pill.

4 53. Osorio-Nava admitted the proceeds from the drug distributions are smuggled
5 back into Mexico, including in vehicles purchased at auction. A purchase receipt for one of
6 those vehicles identified by Osorio-Nava, a 2010 Ford Mustang, Item 66 in Appendix One,
7 is registered to Karen Schimmel and was later seized at her residence. He also admitted
8 using various vehicles for his drug work, including the Honda Civic, a dark colored Toyota
9 Corolla, and other cars. These cars are provided to him by other people. The Civic and the
10 Corolla were surveilled at Karen Schimmel's residence on many occasions during the
11 investigation. An October 9, 2018, intercepted call between Daniel Hunter and the Mexico
12 contact indicated vehicles they purchased and used to smuggle proceeds into Mexico were
13 stored at Karen Schimmel's property and neighboring property owned by her and that Karen
14 obtained heroin from them.

15 54. Osorio-Nava admitted he kept cash up to \$10-12,000.00 and \$100,000.00
16 amounts of methamphetamine at the St. Mary's apartment.

17 55. He also admitted the La Posada apartment had stored 10 pounds of
18 methamphetamine as recently as a few days earlier. Officers searched that apartment and
19 found 15 pounds of methamphetamine in numerous bags, along with bags containing 1,500
20 fentanyl pills weighing .44 pounds, 8 pounds of heroin, and additional packaging materials
21 and equipment.

22 56. Osorio-Nava identified David Bailey as a person who purchased ounce
23 amounts of methamphetamine from him. Drug-based calls were intercepted between them
24 in October and into early November 2018 involving methamphetamine and heroin. David
25 Bailey was the renter of the Lantana Apartment used by Osorio-Nava.
26
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28

1 57. Osorio-Nava identified Daniel Hunter as a person living on property owned by
2 Karen Schimmel neighboring her residence property Osorio-Nava admitted selling heroin to
3 Karen Schimmel. Surveillance saw James Lewandowski at Karen Schimmel's residence on
4 many occasions.

5 58. Osorio-Nava admitted selling multi-pound amounts of methamphetamine to
6 Eric Ernesto Lopez, who then sold that methamphetamine. Osorio-Nava sold Lopez two
7 pounds of methamphetamine just recently. Lopez was the renter of the St. Mary's
8 apartment used by Osorio-Nava. Intercepted calls between them in October and early
9 November 2018 contain transactional discussions.

10 59. Osorio-Nava and a man named Ricardo Castro-Lopez were identified as
11 sources of supply for Daniel Hunter and Jesse Lee Valenzuela.

12 60. On January 7-9, 2019, investigating officers executed arrest warrants and
13 search and seizure warrants at multiple locations in Pima, Cochise and Santa Cruz Counties.
14 A number of the locations are listed in Appendix One. Items seized for forfeiture are
15 identified to the locations at which the seizure occurred in Appendix One.

16 61. Timothy Henry was arrested on January 8, 2019. A search warrant at his
17 residence revealed commercial amounts of methamphetamine, marijuana, \$1,797.00 cash,
18 and a loaded Glock 23 .40 caliber handgun. Henry gave a statement to officers. He
19 admitted that he was a methamphetamine distributor and had a half a pound of
20 methamphetamine and a handgun at his house. He made numerous statements implicating
21 most of his co-conspirators. He identified James Lewandowski as Hunter's supplier and as
22 his own supplier after Hunter died in November 2018. He stated Lewandowski drove
23 around on a Gator all-terrain vehicle. He admitted selling ounce amounts of
24 methamphetamine for \$300.00 to Jennifer Phillips, including the day before his arrest. He
25 admitted selling ounce amounts to Shalmarie Tulk.
26

1 62. After his arrest Jamie Leza admitted his drug trafficking relationship with
2 Timothy Henry and that he still owed Henry money.

3 63. Evicci was arrested in January 2019. He gave statements to investigating
4 officers admitting his involvement in drug trafficking with Timothy Henry and admitting his
5 Oxycodone trafficking with the doctor. A search of his residence revealed multiple pipes
6 and drug paraphernalia. Evicci is a prohibited possessor.

7 64. When Jennifer Phillips was arrested she had commercial amounts of
8 methamphetamine in her pocket and purse.

9 65. After his arrest Jose Pro admitted his involvement in the exchange of a welder
10 for Methamphetamine with Scudella and Henry, he was getting some and Scudella was
11 getting some. He stated he obtains methamphetamine from Jaime Leza and sells some to his
12 friends.

13 66. Investigating officers identified cash, bank accounts, vehicles, real property
14 and personal property used to commit or facilitate the conduct alleged and/or that represents
15 the proceeds of the conduct alleged and that is subject to *in rem* forfeiture liability. Officers
16 also identified property belonging to the named defendants subject to forfeiture based on *in*
17 *personam* forfeiture liability and substitute asset forfeiture liability. The properties are set
18 forth in Appendix One. However, not all property authorized for seizure for forfeiture in
19 Seizure Warrant 19SW0030 and not all property subject to *in rem* and *in personam*
20 forfeiture liability was located and seized.

21 67. The injury to the State from this criminal conduct is not less than \$800,000.00.

22 68. Pursuant to A.R.S. §§ 13-2314(H) and 13-4310(C), a person convicted in any
23 criminal proceeding is precluded from subsequently denying the essential allegations of the
24 criminal offense of which he was convicted in this action. A conviction may result from a
25 verdict or plea including a no contest plea.
26
27
28

1 69. All of the named Defendants are liable for illegal enterprise, racketeering,
2 drug offense and conspiracy conduct individually, with each other, and with other co-
3 conspirators known and unknown acting in concert with them. Overt acts of the illegal
4 enterprise, racketeering, and drug offenses include the events set forth in Paragraphs 13 and
5 14 above.

6 70. The amount of Racketeering, Illegal Enterprise and Drug conduct engaged in,
7 the gain derived therefrom, and the injury to the State and persons entitled to remedies
8 therefrom is an amount not less than \$800,000.00, excluding any treble damages, for which
9 all named Defendants and their personal, business, and marital communities and property
10 are jointly and severally liable. All named Defendants and their business and marital
11 communities and property are also subject to any applicable *in personam* and *in rem* liability
12 amounts and judgments and any treble damages amounts and judgments.

13 71. This Complaint follows the filing on March 7, 2019, of the Plaintiff's "Notice
14 of Seizure for Forfeiture *In Personam* and *In Rem*, Notice of Pending Forfeiture *In Rem*, and
15 Notice of Impending Forfeiture *In Personam*," ["Notice] pursuant to A.R.S. § 13-4308(B)
16 and § 13-4311. This Complaint also follows the making and providing of the Notice
17 pursuant to A.R.S. § 13-4307 and 13-4311 to all persons and entities known to have an
18 interest or potential interest in the property that is the subject matter of this action. If you
19 did not receive the Notice or have actual notice of it, this Complaint constitutes Notice of
20 Seizure for Forfeiture and Notice of Pending Forfeiture to you.

21
22 **FIRST CLAIM FOR RELIEF**
23 **IN PERSONAM ACTION**

24 **Racketeering By Acts Involving A.R.S. §§ 13-2301(D)(4), 13-2312, 13-**
25 **2314, 13-2317, 13-3401 et seq., 13-3417, 13-1001, 13-1002, 13-1003 and 13-**
26 **1004; 13-4312**

1 72. Plaintiff incorporates by this reference each of the allegations contained in all
2 preceding Paragraphs as though set forth in full here in support of this First Claim for
3 Relief.

4 73. During at least the years 2017 and 2018 and through January 2019,
5 Defendants and persons known and unknown acting in concert with them engaged in the
6 conduct alleged above in violation of the AZRAC, Drug Offenses, and AFRA chapters of
7 A.R.S. Title 13, under the statutes listed in the First Claim for Relief.

8 74. The illegal enterprise and racketeering conduct of the named Defendants and
9 others acting in concert with them caused injury to the State in the amount of approximately
10 \$800,000.00 and constituted a pattern of racketeering, including money laundering activity that
11 involved a total of \$100,000.00 or more in any twelve-month period, including conduct that
12 occurred before and after the twelve-month period.

13 75. The named Defendants are liable for and their property and property interests are
14 subject to forfeiture for the amount of injury to the State in the amount of the enterprise
15 liability, \$800,000.00, and for treble damages.

16
17 **SECOND CLAIM FOR RELIEF**
18 **IN PERSONAM ACTION**

19 **Illegally Conducting or Participating in the Conduct of the**
20 **Enterprise**
21 **through Racketeering, A.R.S. §§ 13-2312(B); 13-4312**

22 76. Plaintiff incorporates by this reference each of the allegations contained in all
23 preceding Paragraphs as though set forth in full here in support of this Second Claim for
24 Relief.

25
26 77. During at least the years 2017 and 2018 and through January 2019,
27 Defendants and persons known and unknown acting in concert with them were employed or
28

1 associated with an enterprise, to wit: a group of persons associated in fact, and conducted
2 the affairs of such enterprise through the foregoing offenses, or knowingly participated
3 directly or indirectly in the conduct of the enterprise knowing that the enterprise was being
4 conducted through such offenses, as more specifically set forth above, in violation of the
5 statutes listed herein and A.R.S. § 13-2312(B).

6
7 78. Defendants and others acting in concert with them, with the intent to promote
8 or aid a violation of A.R.S. § 13-2312, agreed with one or more persons that at least one of
9 them or another person would engage in conduct constituting the offense. In furtherance of
10 said conspiracy, they performed one or more of the overt acts alleged above in violation of
11 A.R.S. §§ 13-2312(B) and 13-1003.

12 79. Defendants and others acting in concert with them acquired or maintained
13 property or interests in property in violation of A.R.S. § 13-2312(B).

14 80. The named Defendants are liable for and their property and property interests
15 are subject to forfeiture for the amount of injury to the State in the amount of the enterprise
16 liability, \$800,000.00, and for treble damages.

17
18 **THIRD CLAIM FOR RELIEF**
IN PERSONAM ACTION

19 **Gain Acquired or Maintained Through Racketeering,**
20 **A.R.S. §§ 13-2314, 13-2318; 13-4312**

21
22 81. Plaintiff incorporates by this reference each of the allegations contained in all
23 preceding Paragraphs as though set forth in full here in support of this Third Claim for
24 Relief.

25 82. Defendants and others acting in concert with them acquired or maintained
26 gain through the offenses described above, which are included in the definition of
27 racketeering in A.R.S. § 13-2301(D)(4), including the amount of \$800,000.00, excluding
28

1 treble damages, plus all of the fruits of such gain since its acquisition. The named
2 Defendants are liable for and their property and property interests are subject to forfeiture
3 for the amount of injury to the State in the amount of the enterprise liability, \$800,000.00,
4 and for treble damages.

5
6 **FOURTH CLAIM FOR RELIEF**
7 **IN PERSONAM ACTION**

8 **Judgment in an Amount Equal to the Gain Through Illegal Conduct**
9 **of an Enterprise A.R.S. §§ 13-2314(D)(7), 13-2312(B); 13-4312**

10 83. Plaintiff incorporates by this reference each of the allegations contained in all
11 preceding Paragraphs as though set forth in full here in support of this Fourth Claim for
12 Relief.

13 84. Defendants and others acting in concert with them acquired or maintained
14 gain through the conduct of the illegal enterprise through racketeering, or became liable for
15 such acquisition or maintenance of gain, in an amount not less than the amount of
16 \$800,000.00, excluding treble damages. The named Defendants are liable for and their
17 property and property interests are subject to forfeiture for the amount of injury to the State
18 in the amount of the enterprise liability, \$800,000.00, and for treble damages.

19
20 **FIFTH CLAIM FOR RELIEF**
21 **IN PERSONAM ACTION**

22 **Forfeiture of Substitute Assets, A.R.S. § 13-4313; 13-4312**

23
24 85. Plaintiff incorporates by this reference each of the allegations contained in all
25 preceding Paragraphs as though set forth in full here in support of this Fifth Claim for
26 Relief.

1 86. Property of Defendants is described in A.R.S. § 13-2314, providing for its
2 forfeiture, and in Appendix One. All property of the Defendants, both listed in Appendix
3 One and any other property of Defendants, in an amount not less than the amount of
4 \$800,000.00, and any treble damages and in an amount up to the value of the property
5 which is subject to forfeiture but described in one or more provisions of A.R.S. § 13-
6 4313(A), is subject to forfeiture as a substitute asset.

7
8 **SIXTH CLAIM FOR RELIEF**

9 **IN PERSONAM ACTION**

10 **Forfeiture of Substitute Assets, A.R.S. §§ 13-2314(D)(6) and (E), 13-4313**

11
12 87. Plaintiff incorporates by this reference each of the allegations contained in all
13 preceding Paragraphs as though set forth in full here in support of this Sixth Claim for
14 Relief.

15 88. Defendants are liable for conduct described in A.R.S. § 13-2314(D)(6)(a), (b)
16 or (c), and therefore liable for the total value of all interests in property described in those
17 subdivisions. The court is therefore required to enter an order of forfeiture of substitute
18 assets against the Defendants, jointly and severally, in an amount not less than the amount
19 of \$800,000.00, in an amount up to the value of the property which is subject to forfeiture,
20 and in the amount of the total value of all those interests less the value of any interests that
21 are forfeited before or at the time of the entry of the final judgment.

22
23 **SEVENTH CLAIM FOR RELIEF**

24 **IN PERSONAM ACTION**

25 **Involuntary Trusteeship, A.R.S. § 13-2314(F); 13-4312**

26 89. Plaintiff incorporates by this reference each of the allegations in all preceding
27 Paragraphs as though fully set forth here in support of this Seventh Claim for Relief.

90. Defendants and others acting in concert with them acquired property through the violations described above or became liable for such acquisition or maintenance of gain and were not bona fide purchasers for value reasonable without notice of the unlawful conduct and not knowingly taking part in the illegal transaction.

91. Defendants and others acting in concert with them hold such property, its proceeds and its fruits, including the property described in Appendix One, in constructive trust for the benefit of the State for the reasons discussed above and as provided by Arizona law. Such property is to be awarded to the State.

EIGHTH CLAIM FOR RELIEF
IN REM ACTION

In rem Forfeiture of Property and Interests in Property and Substitute Assets, A.R.S. §§ 13-2314(G), 13-2312, 13-3413, 13-4311, 13-4313

92. Plaintiff incorporates by this reference each of the allegations contained in all preceding Paragraphs as though fully set forth here in support of this Eighth Claim for Relief.

93. With respect to the property described in Appendix One hereto, Defendants and others acting in concert with them have committed one or more acts listed above for financial gain which are chargeable or indictable under the laws of this State, and punishable by imprisonment for more than one year involving one or more of the offenses enumerated in A.R.S. § 13-2301(D)(4), to wit: preparatory or completed offenses described above and the property was used or intended to be used in any manner or part to commit or facilitate the commission of the offenses, and/or the property represents the proceeds thereof.

94. The property described in Appendix One is deemed forfeited *in rem* in its entirety from the time of the first occurrence of said act or acts, subject only to recovery of such lawful interests as are claimed and established by claimants under A.R.S. §§ 13-4304 and 13-4311.

1 95. In summary, the property described in Appendix One is forfeited *in rem*
2 because it constitutes one or more of the following:

3 (A) Property or an interest in property acquired or maintained by a person in
4 violation of A.R.S. § 13-2312;

5 (B) An interest in, security of, claims against or property, office, title, license or
6 contractual right of any kind affording a source of influence over any enterprise or other
7 property which a person has acquired or maintained an interest in or control of, conducted or
8 participated in the conduct of in violation of A.R.S. § 13-2312;

9 (C) Proceeds traceable to an offense included in the definition of racketeering in
10 A.R.S. § 13-2301, subsection D, paragraph 4; or

11 (D) Monies, negotiable instruments, securities and other property used or intended
12 to be used in any manner or part to facilitate the commission of a racketeering offense;

13 (E) Items used or intended for use in violation of chapter 34 of A.R.S. Title 13,
14 Drug Offenses, including:

15 1. Property, equipment, containers, chemicals, materials, money, books, records,
16 research products, formulas, microfilm, tapes and data;

17 2. Vapor-releasing substances containing a toxic substance;

18 3. Vehicles to transport or in any manner facilitate the transportation, sale or
19 receipt of, or in which is contained or possessed, any item or drug;

20 4. Proceeds traceable to an offense included in chapter 34 and that is committed
21 for financial gain;

22 5. Proceeds seized in this state and traceable to an offense that (a) is chargeable
23 or indictable under the laws of the state in which the offense occurred and, if the offense
24 occurred in a state other than this state, would be chargeable or indictable under this chapter
25 if the offense occurred in this state, (b) is punishable by imprisonment for more than one
26

1 year, (c) involves prohibited drugs, marijuana or other prohibited chemicals or substances,
2 and/or (d) is committed for financial gain.

3 **NINTH CLAIM FOR RELIEF**
4 **SUPPLEMENTAL REMEDIES**

5 96. Upon the applicability of any of the provisions set forth in A.R.S. § 13-4313
6 as a matter of fact or law, the State is entitled to the supplemental remedies authorized under
7 A.R.S. § 13-4313.
8

9 97. **NOTICE OF PENDING FORFEITURE: All persons known to have an**
10 **interest in the property have been given Notice of Pending Forfeiture pursuant to**
11 **A.R.S. § 13-4307. If you have not previously been given Notice of Seizure for**
12 **Forfeiture and Notice of Pending Forfeiture, this Complaint also constitutes Notice of**
13 **Seizure for Forfeiture and Notice of Pending Forfeiture pursuant to A.R.S. §§ 13-**
14 **2314, 13-3413, 13-4307, 13-4311, 13-4312 and 13-4313.**

15 **PRAYER FOR RELIEF**

16 WHEREFORE, the State respectfully requests that:

17 1. The Court order each Defendant to pay, jointly and severally, to the STATE
18 OF ARIZONA an amount equal to the gain acquired or maintained by reason of acts of
19 racketeering enumerated in A.R.S. § 13-2301(D)(4) and the amount of injury to the State as
20 defined in A.R.S. § 13-2318. The amount equal to the injury caused and gain produced
21 which Plaintiff seeks as monetary relief is an amount not less than \$800,000.00, excluding
22 any treble damages.

23 2. The Court order each Defendant to pay, jointly and severally, to the STATE
24 OF ARIZONA an amount equal to the injury caused and gain acquired or maintained
25 through the illegal conduct of an enterprise in violation of A.R.S. § 13-2312(B) and the
26 illegal control of an enterprise in violation of A.R.S. § 13-2312(A) and through the other
27 alleged Racketeering and Drug offenses, and to pay any applicable and adjudged treble
28

1 damages, and to order the forfeiture *in personam* of property and interests in property in
2 Appendix One and substitute assets. The amount equal to the injury caused and gain
3 produced which Plaintiff seeks as monetary relief is an amount not less than \$800,000.00,
4 excluding treble damages.

5 3. The Court order each Defendant to pay, jointly and severally, treble damages
6 to all persons, including the State, injured by reason of Defendant's acts of Racketeering,
7 Drugs, or violation of A.R.S. § 13-2312, pursuant to A.R.S. § 13-2314(D)(4); and to order
8 the forfeiture *in personam* of property in Appendix One and substitute assets in an amount
9 that is three times the amount involved in any pattern of violations of A.R.S. § 13-2317 (A)
10 or (B) that involve a total of \$800,000.00 or more in any twelve-month period, including
11 conduct that occurred before and after the twelve-month period.

12 4. The Court enter an order restraining and enjoining Defendants, temporarily,
13 preliminarily and permanently, from engaging in the acts and practices alleged in this
14 Complaint.

15 5. The Court issue an injunction enjoining the Defendants from conveying,
16 alienating, disposing of or otherwise making unavailable property subject to forfeiture and
17 from taking control or possession of such property, including property acquired or
18 maintained by any person in violation of A.R.S. § 13-2312 and including all such interest in,
19 security of, claims against or property or contractual rights affording a source of influence
20 over any enterprise or other property established, operated, controlled, conducted or in
21 whose conduct any person participated in violation of A.R.S. § 13-2312.

22 6. The Court order Defendants to file annual financial statements and other
23 reports necessary to determine Defendants' compliance with the injunction and orders of the
24 Court entered in connection with this matter.

25 7. The Court order Defendants to pay the State's costs and expenses of
26 investigating and prosecuting the matter of complaint herein, including reasonable attorneys'
27
28

1 fees, investigative expenses, and court costs, pursuant to an application for fees, expenses,
2 and costs.

3 8. The Court enter an order declaring that all property acquired through or
4 maintained by or used or intended to be used to commit or facilitate the commission of an
5 offense included in the definition of racketeering in A.R.S. § 13-2301(D)(4) or through a
6 violation of A.R.S. § 13-2312 or a Title 13, chapter 34 offense and all property fraudulently
7 conveyed, and the proceeds thereof, unless held by a person who acquired it as a bona fide
8 purchaser for value reasonably without notice of the unlawful conduct and who was not
9 knowingly taking part in an illegal transaction, is held in constructive trust for the benefit of
10 the State for satisfaction of further orders of the Court, and for the Court to order such
11 property forfeited *in rem*.

12 9. The Court set a hearing on any timely, proper *in rem* claims pursuant to
13 A.R.S. § 13-4311 and, after the hearing, enter orders under A.R.S. §§ 13-4310, 13-4311, 13-
14 4313, 13-4314 and 13-4315.

15 10. The Court consider applications for orders of forfeiture under A.R.S. §§ 13-
16 4311, 13-4313 and 13-4314 showing jurisdiction, notice and facts sufficient to demonstrate
17 probable cause for forfeiture with regard to all interests in property described in Appendix
18 One not properly and timely claimed, and/or for which no proper and timely Answer is
19 filed, and order disposition pursuant to A.R.S. §§ 13-2314, 13-4311, 13-4311(G), 13-4312,
20 13-4313, 13-4314 and 13-4315; and that the Court consider applications for judgments *in*
21 *personam*, including default judgments, under A.R.S. §§ 13-2314, 13-4312, and the Arizona
22 Rules of Civil Procedure.

23 11. The Court enter an order forfeiting to the State of Arizona:

24 (A) any property or other interest acquired or maintained by a person in
25 violation of A.R.S. § 13-2312, including the property described in Appendix
26 One;
27

1 (B) any interest in, security of, claims against, property, office, title, license
2 or contractual right of any kind affording a source of influence over any
3 enterprise which any person has acquired or maintained an interest in or
4 control of, conducted or participated in the conduct of in violation of A.R.S. §
5 13-2312, including the property described in Appendix One;

6 (C) all proceeds traceable to an offense included in the definition of
7 racketeering in A.R.S. § 13-2301(D)(4) including the property described in
8 Appendix One;

9 (D) all monies, negotiable instruments, securities, property and other things
10 of value used or intended to be used in any manner or part to facilitate
11 commission of such offense, including the property described in Appendix
12 One;

13 (E) all property of any defendant up to the value of the property described
14 above to the extent that any of the property described in the statute providing
15 for its forfeiture cannot be located; has been transferred or conveyed to, sold
16 to or deposited with a third party; has been placed beyond the jurisdiction of
17 the court; has been substantially diminished in value by an act or omission of
18 the Defendant; has been commingled with other property which cannot be
19 divided without difficulty; or is subject to any interest that is exempt from
20 forfeiture.
21

22 12. The Court enter an order against the Defendants, jointly and severally, and any
23 non-exempt Claimants, forfeiting any other property of them in the amount of the total value
24 of property otherwise subject to forfeiture *in personam* or *in rem* but which cannot be
25 located; has been transferred or conveyed to, sold to or deposited with a third party; has
26 been placed beyond the jurisdiction of the court; has been substantially diminished in value
27
28

1 by an act or omission of the Defendants; has been commingled with other property which
2 cannot be divided without difficulty, or is subject to any interest that is exempt from
3 forfeiture.

4 13. The Court enter an order against the Defendants, jointly and severally, in an
5 amount not less than \$800,000.00, and any treble damages awarded to the State, and order
6 the forfeiture of property of Defendants in an amount sufficient to cover that amount and the
7 full market value of any property forfeited *in rem*, less the value of any interests that are
8 forfeited *in personam* and *in rem* before or at the time of the entry of the final judgment and
9 are not subject to the encumbrances or other factors listed in the preceding Paragraph.

10 14. The Court enter an order that the property and interests described in Appendix
11 One are forfeit to the State, in the event that no claimant makes a proper and timely claim
12 within the time prescribed by A.R.S. § 13-4311(D); and/or any required timely and proper
13 Answer to this Complaint within the time prescribed by A.R.S. § 13-4311(G), 13-4312
14 and/or the Arizona Rules of Civil Procedure; and makes the proof required by A.R.S. §§ 13-
15 2314, 13-4304, 13-4310(D), 13-4311, 13-4312 and 13-4313, and order disposition pursuant
16 to A.R.S. §§ 13-2314, 13-4311, 13-4312, 13-4313, 13-4314 and 13-4315.

17 15. The Court enter an order declaring that the proceeds of all property forfeited
18 to the State from the time of the forfeiture to the time of disposition are held in constructive
19 trust for the benefit of the State for satisfaction of further orders of the Court and forfeited to
20 the State under A.R.S. §§ 13-2314(F) and 13-4310(F).

21 16. The Court enter an order declaring that title to all forfeited property and
22 forfeited interests in property vested in the State on the commission of the act or omission
23 giving rise to forfeiture together with the proceeds of the property and interests in property
24 after that time, pursuant to A.R.S. §§ 13-4310(F), and 13-4314(B).

25 17. The Court order claimants to pay the costs of any claimant who establishes
26 that his entire interest is exempt from forfeiture under A.R.S. § 13-4304 and to pay the
27
28

1 State's costs and expenses of the investigation and prosecution of this matter, including
2 reasonable attorney fees.

3 18. The Court enter an order providing that this Court retain jurisdiction of this
4 action in order to implement and carry out the terms of all orders and decrees that may be
5 entered herein, and in order to entertain any suitable applications or motions by plaintiff or
6 the conservator or receiver appointed by the Court for additional relief within the
7 jurisdiction of the Court.

8 19. The Court grant such other and further relief as the Court deems just and
9 proper.

10 20. **YOU ARE HEREBY NOTIFIED that in order to contest this action you**
11 **must file an Answer to this Complaint in Pima County Superior Court within twenty**
12 **(20) days of the service of this Complaint, exclusive of the day of service, with the**
13 **Clerk of this Court, accompanied by the necessary filing fee.** The Answer must comply
14 with all of the requirements of the Arizona Rules of Civil Procedure and A.R.S. § 13-
15 4311(G). You are further required to serve a copy of any Answer upon the Attorney for the
16 State listed above. If you fail to file an Answer within the time required by law, the
17 Attorney for the State shall proceed to apply for *in personam* and *in rem* orders and
18 judgments against you and the property and all interests in the property and for any other
19 relief demanded in and set forth in this Complaint, and the Court may enter orders and
20 judgments against you personally, the property, and all interests in the property. If you fail
21 or have failed already to file a proper and timely claim to the property seized for forfeiture
22 *in rem*, the Attorney for the State shall file an application for an order of forfeiture of the
23

24 //

25 //

1 property and all interests in the property pursuant to A.R.S. §§ 13-4311(D), 13-4311(E), 13-
2 4311(F), 13-4314(A) and 13-4315 and the Court may enter *in rem* orders and judgments
3 against the property and all interests in the property.

4 RESPECTFULLY SUBMITTED this 6th day of May, 2019.

5 MARK BRNOVICH
6 Attorney General

7
8 /s/ Thomas J. Rankin
9 THOMAS J. RANKIN
10 Assistant Attorney General
11 Attorney for the State
12 Thomas.Rankin@azag.gov

13 Original e-filed with Clerk of Court

14 Copy distributed to assigned Judge

15 Copy served via TurboCourt on
16 all parties and named Defendants
17 in Complaint Mailing Distribution
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Complaint Mailing Distribution			
1	Fabian Castro Lopez and Jane Doe Castro-Lopez Cocotero 5050 Urbivilla Del Cedro Culiacan, Sinaloa Mexico 80010	Thomas S. Hartzell, Esq. 325 W. Franklin Street, #103 Tucson, AZ 85701-8250 tshart@dakotacom.net Attorney for Jesus Loreto, Jr. and Brenda Elena Loreto	Ramiro S. Flores, Esq. Law Offices of Ramiro S. Flores, PLLC 55 West Franklin Street Tucson, AZ 85701 ramirofloreslaw@hotmail.com Attorney for Jesse Jonas Lee Valenzuela and Jane Doe Valenzuela
5	Fabian Castro Lopez and Jane Doe Castro-Lopez BN 181108013 West Pod 2FG-RM86 B2 Pima County Detention Center PO BOX 951, Tucson, AZ 85702	Jennifer Sue Phillips and John Doe Philips 5067 Colina Way Sierra Vista, AZ 85635-5709	Krista Michelle Zalewski 16201 N. Avenida del Canada Tucson, AZ 85739 zkristamichellez@gmail.com
9	Francisco Ivan Osorio-Nava and Jane Doe Osorio-Nava C 18 De Julio Ruiz Cortines Guasave, Sinaloa Mexico 81121	Jennifer Sue Phillips and John Doe Philips 5422 S. Santa Aurelia Avenue Sierra Vista, AZ 85650-9372	Maria Ayleen Dayton 4418 Miller Canyon Road Hereford, AZ 85615 maria21ayleen@gmail.com Pro Per
12	Francisco Ivan Osorio-Nava and Jane Doe Osorio-Nava BN 181108015 East Pod 2R-RM4 B2 Pima County Detention Center PO BOX 951 Tucson, AZ 85702	Jose Joaquin Pro and Jane Doe Pro PO BOX 3556 Sierra Vista, AZ 85636-3556	Sharon M. Flack, Esq. Musgrove, Drutz, Kack & Flack, P.C. 1135 W. Iron Springs Road P.O. Box 2720 Prescott, AZ 86302-2720 admin@mdkflaw.com Attorney for Santander Consumer USA, Inc. d/b/a Chrysler Capital
16	Christopher L. Scileppi, Esq. 115 W. Washington Street Tucson, AZ 85701 chris@scileppilaw.com Attorney for Timothy Henry and Jane Doe Henry	Leah Ramsell and John Doe Ramsell 900 N Camino Cordon Tucson, AZ 85748-2071	Jeremy M. Goodman, Esq. Goodman Law, PLLC P.O. Box 90758 Phoenix, AZ 85066 Jeremy@goodmanlawpllc.com Attorney for Arizona Central Credit Union
19	Timothy Arthur Evicci and Jane Doe Evicci 655 E. 5th Avenue Saint David, AZ 85630-6285	Mark R. Resnick, Esq. Resnick Law Group, PLLC 100 N. Stone Avenue, Suite 801 Tucson, AZ 85701 mresnick@resnicklawgroup.net resnicklawfirm@gmail.com Attorney for Karen Schimmel	Trish Stuhan, Esq. Gust Rosenfeld P.L.C. One E. Washington, Suite 1600 Phoenix, AZ 85004-2553 tstuhan@gustlaw.com Attorney for Hughes Federal Credit Union
22	Timothy Arthur Evicci and Jane Doe Evicci 1703 S. Sarah Lane Saint David, AZ 85630-6238	Raymond Herbert Thacker and Jane Doe Thacker 5371 N. Emerald Avenue, Unit 2 Tucson, AZ 85705 and 13125 W. El Lobo Rd Tucson, AZ 85743-9040	Kasey C. Nye, Esq. Law Offices of Waterfall, Economidis Caldwell, Hanshaw & Villamana, P.C. Williams Center, Suite 800 5210 E. Williams Circle Tucson, AZ 85711 knyc@waterfallattorneys.com Attorney for Pima Federal Credit Union
26	Jamie Rene Leza 4901 E. Kevin Street Sierra Vista, AZ 85650-9225	Sidney F. Wolitzky 70 West Franklin Street Tucson, AZ 85701-1047	Trevor Hill, Esq. for Fabian Castro Lopez Pima County Public Defender's Office

1	and 4250 E. Foothills Drive, Apt. 1021 Sierra Vista, AZ 85635	swolit9424@msn.com Attorney for Shalmarie Tulk	33 N. Stone Ave. Ste. 2100 Tucson, AZ 85701 Need e-mail address?
2			
3	Javier Alatorre, Esq. for Francisco Osorio-Nava Benavidez Law Group, PC 7400 N. Oracle Rd Ste. 143 Tucson, AZ 85704	Peter Kelly, Esq. For Timothy Evicci 6892 Coronado Memorial PO BOX 63 Palominas, AZ 85615	Peter Kelly, Esq. For Timothy Evicci 6892 Coronado Memorial PO BOX 63 Hereford, AZ 85615-0063
4			
5	Stephanie Stoltzman, Esq. For Jaime Leza PO BOX 2250 Cortaro, AZ 85652-2250	David Gregan, Esq. for Jennifer Phillips 4455 E. Broadway Road Suite 106 Mesa, AZ 85206	Harry Moore, Esq. For Jose Pro Cochise County Legal Defender's Office PO BOX 1858 Bisbee, AZ 85603
6			
7			
8	Walter Palser, Esq. for Raymond Thacker Pima County Legal Advocate's Office 33 N. Stone Avenue, Suite 1850 Tucson, AZ 85701		
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VERIFICATION

I, Tod Kleinman, a Detective for the Cochise County Sheriff's Department, declare under pain and penalty of perjury as follows:

1. I make this Verification for and on behalf of the State of Arizona in this action, being acquainted with the facts alleged in the foregoing Complaint; and

2. I have read the foregoing Complaint and know the contents thereof and the matters and things stated therein are true based on my personal knowledge, information and belief; my reading and knowledge of CCSO/DEA Case No. 19-00799; and information provided to me by investigating officers in this case.

Executed on this 6th day of May, 2019.

 # 1701

Tod Kleinman
Detective
Cochise County Sheriff's Department

APPENDIX ONE

T002-2019-000007

CCSO/DEA Case No. 19-00799

I. *In Personam:* All real and personal property and interests in property having a value up to and not less than **\$802,570.00** (less liens and encumbrances), including but not limited to all: business equipment and inventory; pre-paid accounts or deposits; contractual rights; vehicles; boats; aircraft; escrow accounts; safe deposit box contents; investment and financial accounts; estates, including marital and decedent; trusts, including living, irrevocable and revocable; commercial paper; livestock; beneficial interests; survivorship agreements; insurance policies; currency, U.S. and foreign; bank accounts, foreign and domestic, including but not limited to savings and loan associations and thrift associations; retirement benefits or accounts, defined contribution plans or benefits and profit sharing plans; causes in action; precious metals, gems and jewelry; leaseholds; and fraudulent transfers; and substitute assets, including but not limited to the property described below, owned by, belonging to, or held for the benefit of any of the following persons, their business or corporate or trust communities, and their spouses or marital communities:

FABIAN CASTRO-LOPEZ, DOB **/**/1983;

FRANCISCO OSORIO-NAVA, DOB **/**/1986;

TIMOTHY HENRY, DOB: **/**/1969;

TIMOTHY EVICCI, DOB **/**/1971;

JAMIE LEZA, DOB: **/**/1960;

JESUS LORETO, DOB: **/**/1975;

JENNIFER PHILLIPS, DOB: **/**/1975;

JOSE PRO, DOB: **/**/1980;

LEAH RAMSELL, DOB: **/**/1975;

KAREN SCHIMMEL, DOB: **/**/1963;

RAYMOND THACKER, DOB: **/**/1966;

SHALMARIE TULK, DOB: 1973;

JESSE JONAS LEE VALENZUELA, DOB **/**/1985

1 **II. U.S. or other Currency, *In Personam* and *In Rem*:** All U.S. or other Currency in any
2 form owned by, belonging to or held on behalf of any of the persons and entities named and
3 described in Section 1 above, in an amount up to and not less than **\$802,570.00** (less liens and
encumbrances) *In Personam*, including the following specific U.S. Currency that has also been
seized for forfeiture *In Rem*:

- 4 1. \$200,891.00 U.S. Currency found at 3422 S. Portia Avenue, Tucson, AZ.
- 5 2. \$1,545.00 U.S. Currency found at 5271 N. Emerald Avenue, Tucson, AZ.
- 6 3. \$1,797.00 U.S. Currency found at 6142 E. Central Avenue, Sierra Vista, AZ.
- 7 4. \$39.00 in damaged/repaid U.S. Currency found at 6142 E. Central Avenue, Sierra Vista,
- 8 AZ.
- 9 5. \$539.03 in bulk coin U.S. Currency found in a red toolbox at 6142 E. Central Avenue, Sierra
- 10 Vista, AZ.
- 11 6. \$38.00 U.S. Currency found at 1919 S. Barnett Road, Bisbee, AZ.
- 12 7. \$174.30 U.S. Currency found in possession of Jamie Leza at jail.
- 13 8. \$64.00 U.S. Currency found in possession of Shalmarie Tulk at jail.
- 14 9. \$192.80 U.S. Currency found in possession of Timothy Henry at jail.
- 15 10. \$8,847.00 U.S. Currency found in possession of Fabian Castro Lopez at 1111 W. St. Mary's
- 16 Road, #715, Tucson, AZ.

17 **III. Financial Institution Accounts, *In Personam* and *In Rem*:** All bank or financial
18 accounts and the balance of funds therein of any kind, business accounts, checking accounts,
19 savings accounts, safe deposit boxes, investment, equity or securities accounts owned by,
20 belonging to or held on behalf of any of the persons and entities named and described in Section 1
above, including the specific accounts listed in this Section, in an amount up to and not less than
21 **\$802,570.00** (less liens and encumbrances), *In Personam*, and the following specific accounts, *In*
Rem:

- 22 11. \$95,163.39 in funds from Chase Bank Account ending in 1923 subscribed to by Timothy
- 23 Henry
- 24 12. \$1,478.28 in funds from Chase Bank Account ending in 5596 subscribed to by Timothy
- 25 Henry
- 26 13. \$0.85 in funds from Chase Bank Account ending in 2673 subscribed to by Timothy Henry
- 27
- 28

14. \$1,609.93 in funds from Chase Bank Account ending in 1989 subscribed to by Karen Schimmel
15. \$36,559.12 in funds from Chase Bank Account ending in 7464 subscribed to by Karen Schimmel
16. \$5,000.82 in funds from Chase Bank Account ending in 4361 subscribed to by Karen Schimmel
17. \$207.90 in funds from Chase Bank Account ending in 6570 subscribed to by Raymond Thacker
18. \$9,456.73 in funds from National Bank of Arizona Account ending in 2765 subscribed to by Jesus Loreto
19. \$1,247.14 in funds from Wells Fargo Bank Account ending in 4613 subscribed to by Jesse Valenzuela
20. \$704.31 in funds from Wells Fargo Bank Account ending in 3907 subscribed to by Jesse Valenzuela
21. \$3,345.31 in funds from Wells Fargo Bank Account ending in 9194 subscribed to by Jesse Valenzuela

IV. Vehicles/Conveyances, In Personam and In Rem: All vehicles and conveyances owned by, belonging to or held on behalf of any of the persons and entities named and described in Section 1 above, in an amount up to and not less than **\$802,570.00** (less liens and encumbrances), *In Personam*, and the following specific vehicles and conveyances, *In Rem*:

Found at MP 46 on SR82 in possession of Timothy Henry:

22. 2006 JEEP WRANGLER
AZ Plate: CJT2170
VIN: 1J4FA39S36P750869
Registered to Timothy Henry

Found at 1919 S Barnett Road, Bisbee, AZ:

23. 2006 HARLEY DAVIDSON MOTORCYCLE
AZ Plate: 8JXP MC
VIN: 1HD1HAZ186K811765
Registered to Jesus Loreto, Jr.
Lien by American Southwest Credit Union

- 1 24. 2008 TOYOTA TUNDRA PICKUP
2 AZ Plate: BFD6584
3 VIN: 5TFEV54168X063386
4 Registered to Brenda Elena Loreto
5 Lien by Wells Fargo Auto
6 Found at 6142 E Central Avenue, Sierra Vista, AZ:
- 7 25. 1968 PLYMOUTH BARRACUDA CP
8 AZ Plate: 68CUDA
9 VIN: ID39358COLO
10 Registered to Timothy Henry
- 11 26. 1969 PURPLE DODGE DART
12 NO PLATE
13 VIN: LM23P9E106638
14 No registration found
- 15 27. 1975 JEEP CJ5
16 AZ Plate: HVTLG5
17 VIN: J5F83AA056530
18 Registered to Sylvia Sue Henry-Beaver and Timothy Henry
- 19 28. 1976 HARLEY DAVIDSON XLH1000 MOTORCYCLE
20 AZ Plate: MCCCCF2
21 VIN: 3A49941H6
22 No registration found
- 23 29. 1984 CHEVROLET Z28 CAMARO CP
24 AZ Plate: CCH9312
25 VIN: 1G1AP87G2EL101475
26 Registered to Timothy Henry
- 27 30. 1987 HONDA TR5 ATC
28 AZ Plate: X2NNRV
VIN: JH3TE1202HK106387
Registered to Timothy Henry
31. 1993 YAMAHA BANSHEE ATV
NO PLATE
VIN: JY43GG03XPC032238
No registration found

32. 1994 YAMAHA BANSHEE YFZ350 ATV
NO PLATE
VIN: JY43GGA00RA060110
No registration found
33. 1997 DODGE 2500 PU
AZ Plate: BJV4200
VIN: 1B7KF26W5VJ505032
Registered to Timothy Henry
34. 1999 BUELL LIGHT MOTORCYCLE
AZ Plate: 5M8LMC
VIN: 4MZSS11J5X3202529
Registered to Timothy Henry
35. 2003 DODGE SQ2 2500 PU
AZ Plate: BPZ5855
VIN: 3D3KA28C13G763944
Registered to Timothy Henry
36. 2007 HARLEY DAVIDSON XTB MOTORCYCLE
AZ Plate: 6A8E MC
VIN: 1HD1JA5117Y096627
Registered to Timothy Henry
37. 2007 YAMAHA AM0 RAPTOR ATV
AZ Plate: D6ESRV
VIN: JY4AM07Y57C035693
Registered to Timothy Henry
38. 2011 DODGE CRT CP
AZ Plate: BTP3206
VIN: 2B3CJ5DTXBH575136
Registered to Timothy Henry
Lien by Chrysler Capital
39. 2012 KAWASAKI KFX ATC
NO PLATE (PLATE ASSIGNED IS RV986Y)
VIN: JKAKXGFC8CA005390
Registered to Timothy Henry
40. 2014 CARSON TRAILER
AZ Plate: 40568B
VIN: 4HXSC1626EC168407
Registered to Timothy Henry

- 1 41. 2016 DIAMOND UTILITY TRAILER
2 AZ Plate: 60063E
3 VIN: 53NBE2428G1040403
4 Registered to Timothy Henry
- 5 42. ORANGE HONDA MOTORCYCLE OR
6 HONDA MOTORCYCLE WITH KTM PLASTICS
7 NO PLATE
8 VIN: JH2ME0302MM301051
9 No registration found
- 10 Found at 170 E Busby Drive, Sierra Vista, AZ:
- 11 43. 1988 CHEVROLET CC309 PICKUP
12 AZ Plate: CK92468
13 VIN: 1GBGC34K0JE205541
14 Registered to Jamie Leza
- 15 44. 1991 CHEVROLET CAMARO CP
16 AZ Plate: 854YLJ
17 VIN: 1G1FP23E6ML156937
18 Registered to Jamie Leza
- 19 45. 2003 BMW X5 SUV
20 AZ Plate: BRX2932
21 VIN: 5UXFB335X3LH42391
22 Registered to Kenneth McMullen
23 Lien by Check Into Cash of Arizona
- 24 46. WHITE FORD VAN
25 Temporary Registration Plate: 3D29968
26 VIN: 1FDSS3BL9ADA89200
27 Registered to Jamie Leza
- 28 47. KAWASAKI MOTORCYCLE
NO PLATE
PARTIAL VIN: First 5 numbers are JKAKX
Registered owner unknown
48. KAWASAKI ATV
NO PLATE
VIN: JKASFMA18PB518338
No registration found

49. HOMEMADE TRAILER
AZ Plate: T98S88
VIN: AZ211270
Registered to Federico Gonzalez
50. RED DITCH WITCH TRACTOR W/ WINCH & PLOW
NO PLATE
No VIN or SN
No registration found

Found at 325 N Martha Lane, Sierra Vista, AZ
51. 1998 HARLEY DAVIDSON MOTORCYCLE
AZ Plate: MCM31L
VIN: 1HD1GEL15WY321722
Registered to Craig Sylvers

Found at 519 Cardinal Place, Sierra Vista, AZ
52. 2008 CADILLAC ESCALADE
AZ Plate: BNE4540
VIN: 1GYEC63848R118328
Registered to Jose Armando Pro and Hilda L. Pro

Found at 3096 W Williams Road, Benson, AZ
53. 2005 DODGE 1-TON PICKUP
AZ Plate: CK53303
VIN: 3D7MS46D65G744577
Registered to Shalmarie Tulk
Lien by USAA Federal Savings Bank

Found at Chiricahua Community Health Center, Benson, AZ:
54. 2010 BMW 12I CP
AZ Plate: CEM3589
VIN: WBAUP9C5XAVF46155
Registered to Shalmarie Tulk
Lien by USAA Federal Savings Bank

Found at 655 E 5th Street, St. David, AZ:
55. 1991 STARLIGHT TRAILER
AZ Plate: T70114
VIN: 13YFS122XMC037326
Registered to Leilani Schilling

- 1 56. 2000 FORD 1-TON PU
2 AZ Plate: CK53324
3 VIN: 1FTWW33S1YEC43029
4 Registered to Timothy Evicci
5 Lien by Interstate Lending LLC
- 6 57. 2003 SUZUKI DRZ 110 MOTORCYCLE
7 NO PLATE
8 VIN: JKALXSB173DA00632
9 No registration found
- 10 58. 2003 YAMAHA TT-R90E MOTORCYCLE
11 NO PLATE
12 VIN: JYACB06Y73A001919
13 No registration found
- 14 59. 2003 HONDA CRF 450R
15 NO PLATE
16 VIN: JH2PE05353M109061
17 No registration found
- 18 60. 2006 CHRYSLER 308
19 AZ Plate: CBP8672
20 VIN: 2C3LA73W46H470799
21 Registered to Rebekah Fernandez
22 Lien by Arizona Central Credit Union
- 23 61. 2008 ARCTIC CAT 650H1 ATV
24 AZ Plate: DMCGG6
25 VIN: 4UF08ATVX8T224188
26 Registered to Timothy Evicci
- 27 62. 2009 DODGE CHALLENGER
28 AZ Plate: SOFHVN
VIN: 2B3LJ54T99H621212
Registered to Rebekah Fernandez
Lien by Hughes Federal Credit Union
63. 2015 DODGE RAM PICKUP
NO PLATE (ASSIGNED NEVADA PLATE 072ZCD)
VIN: 1C6RR6FT1FS506300
Registered to Derrick J. Balsamo
Lien by Chrysler Capital

Found at 4120 Ramsey Road, Sierra Vista, AZ:

64. 2014 DODGE AVENGER
AZ Plate: BJW3083
VIN: 1C3CDZAB8EN201021
Registered to Glen Carroll Gilmer
Lien by Pima Federal Credit Union

Found at 7489 W Bucking Horse, Sahuarita, AZ

65. 2004 DODGE RAM PICKUP
AZ Temporary Plate: PX06192
Registered to Karen Schimmel
AZ Plate: CHZ4417
Registered to Dameon Casimir Zalewski
VIN: 1D7HU18N24S602167

66. 2010 FORD MUSTANG
AZ Plate: BRN2978
VIN: 1ZVBP8CH9A5109546
Registered to Karen Schimmel
Lien by Bridgecrest Acceptance Company

67. TRAILER CONTAINING MILLER 300 BIG BLUE WELDER/GENERATOR
NO PLATE
UNKNOWN VIN

Found at 3289 Hemisphere Loop, Tucson, AZ:

68. 2012 VW CSR SEDAN
AZ Plate: CHR7115
VIN: WVVMP7AN7CE514595
Registered to David Bailey
Lien by Prestige Financial Service

Found at 3422 S Portia Avenue, Tucson, AZ:

69. 1977 CHEVROLET BLAZER
AZ Plate: HV92HL
VIN: CKR187F218996
Registered to Jesse Valenzuela

70. 1999 FORD F2S PICKUP
PLATE INVALID
ASSIGNED ARIZONA PLATE: BWE4861
VIN: 1FTNX21LXXEB02408
Registered to Jesse Valenzuela

71. 2015 HONDA CIVIC
AZ Plate: CEG9994
VIN: 2HGFB2F9XFH538684
Registered to Jesse Valenzuela

72. 2015 FORD F1S PICKUP
AZ Plate: BLJ1850
VIN: 1FTEW1EG1FKD70158
Registered to Jesse Valenzuela

Found at 7932 E Winnepeg Drive, Tucson, AZ:

73. 2010 DODGE CHARGER
AZ Temporary Plate: PX06199
VIN: 2B3CA3CV1AH268251
Registered to Karen Schimmel

Found at I-10 and Valencia Road, Tucson, AZ:

74. 2010 TOYOTA COROLLA
AZ Plate: CJN9537
VIN: 2T1BU4EE7AC436599
Registered to Saul Alejandro Valenzuela Valdez

V. Real Property, In Personam and In Rem: The real property, including all residences, buildings, structures, fixtures, appurtenances, improvements, and affixtures thereto, including any mobile or pre-fabricated homes thereon, affixed or un-affixed, owned by, belonging to or held on behalf of or for the benefit of any of any of the persons and entities named and described in Section 1 above, in an amount up to and not less than **\$802,570.00** (less liens and encumbrances), *In Personam*, and the following specific Real Property, *In Rem*:

75. Real property located at 6142 East Central Avenue, Sierra Vista, Cochise County, AZ, including all residences, buildings, structures, fixtures, appurtenances, improvements, and affixtures thereto, including any mobile or pre-fabricated homes thereon, affixed or un-affixed.

Titled to: Timothy Henry and Sylvia Sue Henry-Beaver
Cochise County Recorder 2002-32218
Parcel Number: 10722084A

Legal Description: THE EAST 85.67 FEET OF LOT 46, MOUNTAIN MESAS EAST, ACCORDING TO BOOK 6 OF MAPS, PAGE 32, AS AMENDED BY DECLARATION OF SCRIVENER'S ERRORS, RECORDED IN DOCKET 647, PAGE 593, RECORDS OF COCHISE COUNTY, ARIZONA; WITH 1973 12X60 HACIENDA MOBILE HOME, PA9233872RD60121055, AFFIXED 2004, WITH ROOM ADDITION AND YARD IMPROVEMENTS

76. Real property located at 311 North Martha Lane, Sierra Vista, Cochise County, AZ, including all residences, buildings, structures, fixtures, appurtenances, improvements, and affixtures thereto, including any mobile or pre-fabricated homes thereon, affixed or un-affixed.

Titled to: Timothy Henry

Cochise County Recorder 2014-00849

Parcel Number: 10722058

Legal Description: HIGHLAND VISTA LOT 58

77. Real property located at 7611 E Chippewa Street, Hereford, Cochise County, AZ, including all residences, buildings, structures, fixtures, appurtenances, improvements, and affixtures thereto, including any mobile or pre-fabricated homes thereon, affixed or un-affixed.

Titled to: Brian Henry and/or Timothy Henry

and/or Tammy Barraza and/or Virginia Doran

Cochise County Recorder 2014-00849

Parcel Number: 10478001G

Legal Description: GREATER SAN PEDRO RANCHES SURVEY OF POR OF LOT B BY M&B BEG 50' W & 1978.2 FT S OF NE COR OF NE4 TO POB THN W284.74FT S625.95FT E284.74' N626.09' TO POB SEC 10 23 21 4.093AC; WITH 1964 10X53 MOBILE HOME

78. Real property located at 7489 W. Bucking Horse Road, Sahuarita, Pima County, AZ, including all residences, buildings, structures, fixtures, appurtenances, improvements, and affixtures thereto, including any mobile or pre-fabricated homes thereon, affixed or un-affixed.

Titled to: Karen Schimmel and/or Karen Schimmel Living Trust

Pima County Recorder 2018-1870579

Parcel Number: 303-21-097D

Legal Description: NE4 SE4 NW4 10 AC SEC 4-17-12 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA; WITH 2004 32X56 CAVCO MOBILE HOME, CAVAZD030698X&U, AFFIXED 2011, WITH YARD IMPROVEMENTS

79. Real property located at 7475 W. Bucking Horse Road, Sahuarita, Pima County, AZ, including all residences, buildings, structures, fixtures, appurtenances, improvements, and affixtures thereto, including any mobile or pre-fabricated homes thereon, affixed or un-affixed.

1 Titled to: Karen Schimmel
2 Pima County Recorder 2016-3360536
3 Parcel Number: 303-21-097F,G
4 Legal Description: THE EAST HALF OF LOT 3 AND THE WEST HALF OF LOT 3,
5 OF SECTION 4, TOWNSHIP 17 SOUTH, RANGE 12 EAST, GILA
6 AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY,
7 ARIZONA
8

9 **VI. Miscellaneous personal property, *In Personam* and *In Rem*:** All of the miscellaneous
10 and personal property and interests owned by, belonging to or held on behalf of the persons and
11 entities named and described in Section 1 above, in an amount up to and not less than **\$802,570.00**
12 (less liens and encumbrances), *In Personam*, including the following specific personal property
13 that has also been seized for forfeiture *In Rem*:
14

15 Found at 1919 S. Barnett Road, Bisbee, AZ:

16 80. MILLERMATIC PASSPORT PLUS WELDER

17 81. HYPERTHERM PLASMA CUTTER

18 Found at 6142 E. Central Avenue, Sierra Vista, AZ:

19 82. SNAP-ON DIAGNOSTIC COMPUTER

20 83. HOLLY EFI CARBURETOR

21 84. HILTI ELECTRIC JACK HAMMER

22 85. RED BIG 7 CHANCE SLOT MACHINE

23 86. WHITE ICE SLOT MACHINE

24 87. \$200.00 IN PAPER U.S. CURRENCY (SOME WITH COLLECTIBLE VALUE)

25 88. 225 U.S. COINS (SOME WITH COLLECTIBLE VALUE)

26 89. 35 U.S. HALF DOLLARS WITH COLLECTIBLE VALUE

27 90. MULTIPLE PACKAGED OR DISPLAYED COINS WITH COLLECTIBLE
28 VALUE

86 U.S. COINS (FACE VALUE PER APPRAISAL)

6 FOREIGN COINS

28 U.S. COINS (3 ARE SILVER DOLLARS W/ COLLECTIBLE VALUE)

1 94. 25 U.S. COINS

2 95. 25 U.S. PENNIES W/ COLLECTIBLE VALUE (2 CENTS EA)

3 96. 99 U.S. PENNIES

4
5 Found at 655 E. 5th Street, St. David, AZ:

6 97. BLUE PELICAN CASE AND MULTIPLE COINS CONTAINED INSIDE
7 (COLLECTIBLE VALUE)

8 Found at 7489 W. Bucking Horse, Sahuarita, AZ:

9 98. PHILIPS TV, SN: DS2A1491110123

10 99. SHARP TV, SN: 110815344

11 100. MILLER 300 BIG BLUE WELDER/GENERATOR
12 SN: LH180106E (ON TRAILER WITH NO PLATE, UNKNOWN VIN)

13 Found at 3422 S. Portia Avenue, Tucson AZ:

14 101. 12 COLLECTIBLE COINS

15 **VII. Substitute Assets:** All real property, all personal property, and all interests in property,
16 tangible and intangible, of the type provided for in A.R.S. § 13-4313, to satisfy *in rem* forfeiture
17 liability and *in personam* forfeiture liability having a value up to and not less than **\$802,570.00**
18 (less liens and encumbrances), including but not limited to all: business equipment and inventory;
19 pre-paid accounts or deposits; contractual rights; vehicles; boats; aircraft; escrow accounts; safe
20 deposit box contents; investment and financial accounts; estates, including marital and decedent;
21 trusts, including living, irrevocable and revocable; commercial paper; livestock; beneficial
22 interests; survivorship agreements; insurance policies; currency, U.S. and foreign; bank accounts,
23 foreign and domestic, including but not limited to savings and loan associations and thrift
24 associations; retirement benefits or accounts, defined contribution plans or benefits and profit
25 sharing plans; causes in action; precious metals, gems and jewelry; leaseholds; fraudulent
26 transfers; including the property described and named in sub-sections 1-6 above; as substitute
27 assets.

28 ***-Nothing Follows-***